

**Maryland Board of Pharmacy
Public Board Meeting**

**Agenda
February 21, 2018**

| Name | Title | Present | Absent |
|---------------------|-----------------------------|----------------|---------------|
| Ashby, D. | Commissioner | | |
| Bouyoukas, E | Commissioner | | |
| Evans, K. | Commissioner | | |
| Gavgani, M. Z. | Commissioner/President | | |
| Hardesty, J. | Commissioner | | |
| Leikach, N. | Commissioner | | |
| Morgan, K. | Commissioner/Treasurer | | |
| Oliver, B | Commissioner | | |
| Peters, R. | Commissioner | | |
| St. Cyr, II, Z. W. | Commissioner/Secretary | | |
| Toney, R. | Commissioner | | |
| Yankellow, E. | Commissioner | | |
| | | | |
| Bethman, L. | Board Counsel | | |
| Felter, B. | Staff Attorney | | |
| | | | |
| Speights-Napata, D. | Executive Director | | |
| Fields, E. | Deputy Director /Operations | | |
| Evans, T. | Compliance Director | | |
| Brand, E. | Licensing Manager | | |
| Logan, B. | Legislative Liaison | | |
| Chew, C. | Management Associate | | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---|--|---|-------------------------------|
| I. Executive Committee Report(s) | A.) M. Gavgani, Board President B.) Z. St. Cyr, II, Secretary | <p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> 1. Call to Order 2. Sign-in Introduction and of meeting attendees – <i>(Please indicate on sign-in sheet if you are requesting CE Units for attendance)</i> 3. Distribution of Agenda and packet materials 4. Review and approve December 2017 Public Meeting Minutes <i>(Note: There was no meeting in January 2018 due to inclement weather.)</i> | |
| II. A. Executive Director Report | D. Speights-Napata, Executive Director | <ol style="list-style-type: none"> 1. Operations Updates 2. Meetings Update 3. National Federation of the Blind concern | |
| B. Operations | E. Fields, Deputy Director/ Operations | <ol style="list-style-type: none"> 1. Administration and Public Support (APS) Unit Updates <ol style="list-style-type: none"> a) Financial Status January 2018 b) Rehabilitative Services Contract 2. Management Information Systems (MIS) Unit Updates <ol style="list-style-type: none"> a) None | |
| C. Licensing | E. Brand, Licensing Manager | <ol style="list-style-type: none"> 1. Unit Updates 2. Monthly Statistics | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|------------|-------------------------------|
|---------|-------------------|------------|-------------------------------|

| | | <table><tr><th>License Type</th><th>New</th><th>Renewed</th><th>Reinstated</th><th>Total</th></tr><tr><td>Distributor</td><td>14</td><td>2</td><td>0</td><td>1,197</td></tr><tr><td>Pharmacy</td><td>9</td><td>0</td><td>0</td><td>2,150</td></tr><tr><td>Pharmacist</td><td>34</td><td>465</td><td>0</td><td>11,682</td></tr><tr><td>Vaccination</td><td>17</td><td>18</td><td>0</td><td>4,627</td></tr><tr><td>Pharmacy Intern - Graduates</td><td>2</td><td>0</td><td>0</td><td>46</td></tr><tr><td>Pharmacy Intern - Students</td><td>15</td><td>16</td><td>0</td><td>836</td></tr><tr><td>Pharmacy Technician</td><td>100</td><td>384</td><td>2</td><td>9,740</td></tr><tr><td>TOTAL</td><td>191</td><td>885</td><td>2</td><td>30,278</td></tr></table> | License Type | New | Renewed | Reinstated | Total | Distributor | 14 | 2 | 0 | 1,197 | Pharmacy | 9 | 0 | 0 | 2,150 | Pharmacist | 34 | 465 | 0 | 11,682 | Vaccination | 17 | 18 | 0 | 4,627 | Pharmacy Intern - Graduates | 2 | 0 | 0 | 46 | Pharmacy Intern - Students | 15 | 16 | 0 | 836 | Pharmacy Technician | 100 | 384 | 2 | 9,740 | TOTAL | 191 | 885 | 2 | 30,278 | |
|-----------------------------|-------------------------------|--|--------------|--------|---------|------------|-------|-------------|----|---|---|-------|----------|---|---|---|-------|------------|----|-----|---|--------|-------------|----|----|---|-------|-----------------------------|---|---|---|----|----------------------------|----|----|---|-----|---------------------|-----|-----|---|-------|-------|-----|-----|---|--------|--|
| License Type | New | Renewed | Reinstated | Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Distributor | 14 | 2 | 0 | 1,197 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pharmacy | 9 | 0 | 0 | 2,150 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pharmacist | 34 | 465 | 0 | 11,682 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vaccination | 17 | 18 | 0 | 4,627 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pharmacy Intern - Graduates | 2 | 0 | 0 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pharmacy Intern - Students | 15 | 16 | 0 | 836 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pharmacy Technician | 100 | 384 | 2 | 9,740 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL | 191 | 885 | 2 | 30,278 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| D. Compliance | T. Evans, Compliance Director | <div>1. Unit Updates</div> <div>2. Monthly Statistics</div> <div>Complaints & Investigations:</div> <div>New Complaints - 37</div> <div>Resolved (Including Carryover) – 0</div> <div>Actions within Goal – 0/37</div> <div>Final disciplinary actions taken – 4</div> <div>Summary Actions Taken – 0</div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|------------------------------|---|---|-------------------------------|
| | | <p>Average days to complete - 0</p> <p>Inspections:</p> <p>Total - 146 Annual Inspections - 132 Opening Inspections - 7 Closing Inspections - 4 Relocation/Change of Ownership Inspections - 1 Board Special Investigation Inspections – 2</p> | |
| E. Legislation & Regulations | B. Logan, Legislation and Regulations Manager | <p><u>Regulations</u></p> <p><u>1. COMAR 10.34.34.05 Pharmacy Students</u></p> <p><u>2. COMAR 10.34.05.05 Security Responsibilities</u></p> <p><u>3. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></p> <p><u>4. COMAR 10.34.40 Pharmacist Prescribing and Dispensing Contraceptives</u></p> <p><u>Legislation</u></p> <p><u>1. HB 88 Public Health – Prescription Drug Monitoring Program – Revisions-</u> The proposed legislative change will require the Prescription Drug Monitoring Program to report possible misuse or abuse to the Board of Pharmacy. No Position- Fiscal Note.</p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|---|-------------------------------|
| | | <p><u>2. a. HB 288 Health Occupations- Power of Secretary of Health- Boards and Commission-</u> This proposal would empower the Secretary of Health to vacate or modify a disciplinary decision of a health occupations board or commission to reduce the severity of the decision or determination.</p> <p><u>2. b. HB 288 Opposed.</u></p> <p><u>3.a. HB 358/ SB 313 - Crimes - Controlled Dangerous Substances - Volume Dealers-</u> This legislation adds the volumes of five (5) grams of Fentanyl, or any structural variation of Fentanyl, and 28 grams or more of any mixture containing a detectable amount of Fentanyl, or any structural variations of Fentanyl, to the list of controlled dangerous substances which are prohibited from being manufactured, distributed, dispensed, or possessed.</p> <p><u>4.b. LOS HB 358</u></p> <p><u>5. HB 517- Pharmacy Drug Monitoring Program- Data Request Exemption- Regional Anesthesia Patients-</u> This bill provides an exemption from the requirement to query the Prescription Drug Monitoring Program (PDMP) when prescribing or dispensing an opioid or benzodiazepine to treat or prevent acute pain, for a period of up to 14 days, following a surgical procedure in which regional anesthesia, including spinal and epidural techniques was used. The proposed legislation only addresses prescribers, not dispensers (pharmacists). No Position.</p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|---|-------------------------------|
| | | <p><u>6. HB 601 Public Health- Opioids- Dispensing-</u> The proposed legislation requires that an opioid be dispensed with a nontoxic composition designed to deactivate and dispose of the opioid. No Position.</p> <p><u>7. HB 653 Health Care Providers- Opioid Prescriptions- Discussion of Information and Risks-</u> This proposal would require certain “health care providers” to discuss the risk of certain opioids with certain patients. The bill relates to prescription, and not dispensing. No Position.</p> <p><u>8. HB 790 State Government - Maryland Program Evaluation Act - Periodic Full Evaluations-</u> The proposed bill will require that a comprehensive review of a governmental activity or unit contain input from consumers and citizens. The Board of Pharmacy would be mandated to conduct a monthly customer survey of all those whom it services in-person, via email inquiries, and who call the Board directly. Additionally, the Board of Pharmacy would be mandated to survey individuals who file complaints against pharmacists and pharmacies. No Position.</p> <p><u>9. a. SB 169 Public Health – Prescription Drug and Medical Supply Access and Affordability Workgroup-</u> This proposal would require the Secretary of Health to convene a workgroup to study the advisability of Maryland forming a generic drugs and medical supplies purchasing cooperative and establishing Maryland as an open formulary state. <u>9. b. SB 169 Letter of Concern.</u></p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|--|-------------------------|--|-------------------------------|
| | | <p><u>10. SB 711 Health Occupations - Applications for Renewal of Licenses, Permits, Certifications, or Registrations - Available by Mail-</u> The proposed bill would require health occupation boards to send renewal applications via first-class mail, if requested by the licensee or permit holder. The Maryland Board of Pharmacy does not utilize electronic mail for these purposes. No Position.</p> | |
| <p>III. Committee Reports</p> <p>A. Practice Committee</p> | R. Peters, Chair | <p><u>1. a. Concerns regarding implementation of the Drug Quality and Security Act (DQSA)</u></p> <p><u>1. a. Response.</u></p> | |
| B. Licensing Committee | D. Ashby, Chair | <p>1. Review of Pharmacist Applications:</p> <p>a) #14883- The licensee renewed her license on October 12, 2017. She inadvertently indicated that she had not completed her CE requirement (Question 11). Even though the application was timely submitted and the fee was paid, the licensing specialist was unable to complete the processing prior to expiration because of the applicant's inadvertent error. The applicant is requesting a waiver of the reinstatement process and approval of the renewal. She is recently retired and has not practiced pharmacy since January 2017. She would like to maintain her Maryland license. <u>Licensing Committee's Recommendation:</u> Approve waiver of reinstatement</p> <p>b) #14328- Applicant requests approval of Continuing Education hours. <u>Licensing Committee's Recommendation:</u> Deny; the course is not sufficiently related to the practice of pharmacy.</p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|----------------|--------------------------|-------------------|--------------------------------------|
|----------------|--------------------------|-------------------|--------------------------------------|

| | | | |
|---|------------------------------|--|--|
| | | <p>2. Review of Pharmacy Intern Applications: NONE</p> <p>3. Review of Pharmacy Technician Applications: NONE</p> <p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications: NONE</p> <p>6. Review of Pharmacy Technicians Training Programs: NONE</p> <p>7. New Business: NONE</p> | |
| C. Public Relations Committee | E. Yankellow, Chair | Public Relations Committee Update: | |
| D. Disciplinary | K. Morgan, Chair | Disciplinary Committee Update | |
| E. Emergency Preparedness Task Force | | Emergency Preparedness Task Force Update | |
| IV. Other Business & FYI | M. Gavgani, President | | |
| V. Adjournment | M. Gavgani, President | <p>A. The Public Meeting was adjourned.</p> <p>B. M. Gavgani convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, M. Gavgani convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|--|-------------------------------|
| | | <p>D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session.</p> | |